

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LEE WALTERS, M.D.,

Plaintiff,

v.

VITAMIN SHOPPE INDUSTRIES,  
INC.

Defendant.

3:14-CV-01173-PK

ORDER

BROWN, Senior Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#74) on May 8, 2018, in which he recommends this Court grant in part and deny in part Defendant Vitamin Shoppe Industries, Inc.'s Motion (#60) to Dismiss and Strike Nationwide Class Claims and Allegations. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its

obligation to review the record *de novo*. See *Decker v. Berryhill*, 856 F.3d 659, 663 (9th Cir. 2017). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#74) and, accordingly, **GRANTS in part** and **DENIES in part** Defendant's Motion (#60) to Dismiss and Strike as follows: The Court **GRANTS without prejudice** Defendant's Motion to Strike Plaintiff's nationwide class-action allegations and the Court **DENIES** Defendant's Motion to Dismiss Plaintiff's claim for prospective injunctive relief. The Court returns this matter to the Magistrate Judge for further handling.

IT IS SO ORDERED.

DATED this 29<sup>th</sup> day of May, 2018.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States Senior District Judge